THE MALANKARA ORTHODOX SYRIAN CHURCH
CATHOLICATE OF THE EAST

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26.08.2019

To

The Additional Chief Secretary,
Department of Home (Secret Section A),
Government of Kerala,
Thiruvananthapuram.

Sir,

Ref: (1) No.Home-SSA4/142/2017, Home (Section-A) Department, Thiruvananthapuram dated 22.08.2019

(2) Common judgment dtd. 19.08.2019 in O.P.(c) Nos. 1483, 1497, 1980 and 2106 of 2019.

I am instructed by His Holiness Baselios Marthoma Poulose-II, the Catholicate of the East and Malankara Metropolitan, to reply to your above referred letter as follows:-

1. The Malankara Orthodox Church is shocked and surprised at your request to His Holiness to attend a discussion on 29.08.2019 in the Chamber of the Chief Secretary with the original 1934 Constitution.

2. The judgment of the Hon'ble Supreme Court dated 03.07.2017 contains a very elaborate and exhaustive discussion and decision on all the disputes raised by the dissident, Patriarch faction in the Malankara Church. The said decision is final, concluded and applies to all

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constituent parish Churches in the Malankara Church. The said judgment is followed and affirmed by the Hon'ble Supreme Court in several subsequent cases. In exercise of the constitutional duty and in view of the specific direction of the Hon'ble Supreme Court, the State has a duty to implement the judgment forthwith. It was also further specifically directed that "***the State and all parties shall abide by the judgment passed by this Court in totality and cannot solve the matter in any manner different than the judgment passed by this Court***" and that "***no parallel system can be created***."

3. Even two years after the judgment, the State Government has not implemented the judgment and orders and directions of the Hon'ble Supreme Court, in spite of several requests made by the Malankara Orthodox Church and its constituent parish Churches. Some of the officials of the Government keep on violating the judgment, orders and directions. Your notice dated 22.08.2019 is yet another act of willful disobedience constituting contempt of the Hon'ble Supreme Court and the Hon'ble High Court of Kerala.

4. Your notice inviting His Holiness to attend a discussion is least bona fide and is an attempt **NOT** to implement the judgment and to further prolong its implementation. Your further request to attend the discussion "with the original 1934 constitution" is strange, mischievous, apparently made without proper understanding of the facts and law on the subject. Incidentally, this requirement is the repetition of a baseless contention raised by the Patriarch group after

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the judgment of the Hon'ble Supreme Court and your request reflects their voice. I request, you may read and understand the judgment of the Supreme Court dated 03.07.2017 and the orders and directions following it. The judgment has extracted the relevant clauses of the 1934 Constitution and has very well analyzed them and laid down the law in the matter. I request that you may implement them forthwith. It is strange and illogical that you want the original of the 1934 constitution. The said constitution has been duly amended by competent authority, even as directed by the Hon'ble Supreme Court. The original was Exhibit AM in the suit which ended in the 1958 judgment of Hon'ble Court. Please read and understand the said judgment and subsequent judgments in which also the 1934 constitution was elaborately considered, discussed and definite findings were made by the Hon'ble Supreme Court. Are you now doubting and challenging the said findings? Your above request to produce the original 1934 constitution was raised before the Hon'ble High Court of Kerala by the Patriarch faction and the Hon'ble Court vide judgment referred as item no. (2) above repelled the said contention and held as follows:-

> ***"The Secretary of the Malankara Association had deposed that Ext.A1 was the printed copy of the Malankara Association. He had stated that he was the publisher of Ext. A1 and to his knowledge original of 1934 Constitution was submitted in the 1st Church Case at Kottayam, as an exhibit. It appears that, in almost all the litigations between two factions, the above Constitution was***

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the subject matter, referred to extensively and discussed elaborately and disputes resolved even by the various Supreme Court judgments. Now at this stage, any question regarding the 1934 Constitution with reference to its original manuscript is unwarranted. It is too late at this length of time, to rake up any dispute by any party on any clause, with reference to its corresponding provision in the original manuscript."

5. Further, in the judgment reported in 2018 (3) KLT 990 relating to Kattachira Church, the Hon'ble Supreme Court had specifically held as follows:-

> "***The 1934 Constitution is applicable to Malankara Church and its parish Churches and organizations recognizing that the Malankara has control over both spiritual and communal affairs of the Malankara Church***.
>
> ***It was held that the Patriarch group cannot question the legality and validity of the 1934 Constitution. The Court issued further directions for amendment of Clause 68 of the Constitution to bring about proportional representation based on the size of congregation of each Parish Church***."

6. Therefore your notice as well as your request to produce the "original 1934 Constitution" is yet another mischievous act by the Govt. constituting contempt of Court, for which the Malankara Orthodox Church is initiating contempt of Court proceedings before the Hon'ble Supreme Court shortly. In these circumstances, this is to inform you that H.H. the Catholicos is advised and accordingly His Holiness

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will not be able to attend the discussion as required by you. The Malankara Church once again request you to implement the Supreme Court judgment forthwith as directed by the Hon'ble Supreme Court of India.

Thanking you in anticipation,

Yours sincerely,

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